

SENATE BILL 245

D1

2lr0070

By: **Chair, Judicial Proceedings Committee (By Request – Departmental – Juvenile Services)**

Introduced and read first time: January 25, 2012

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 6, 2012

CHAPTER _____

1 AN ACT concerning

2 **Juvenile Law – Disposition – Committed Programs**

3 FOR the purpose of ~~repealing a provision authorizing the juvenile court to designate~~
4 ~~the type of facility where a certain child is to be accommodated~~ authorizing the
5 Department of Juvenile Services to transfer a child committed for residential
6 placement from a certain facility or program to another facility or program
7 under certain circumstances; requiring the Department of Juvenile Services to
8 notify certain individuals if a child's residential placement is changed;
9 authorizing the juvenile court to conduct a certain hearing; and generally
10 relating to juvenile law.

11 BY repealing and reenacting, without amendments,
12 Article – Courts and Judicial Proceedings
13 Section 3–8A–19(d)(1)(i) and (ii)
14 Annotated Code of Maryland
15 (2006 Replacement Volume and 2011 Supplement)

16 ~~BY repealing and reenacting, with amendments,~~
17 ~~Article – Courts and Judicial Proceedings~~
18 ~~Section 3–8A–19(d)(1)(ii)~~
19 ~~Annotated Code of Maryland~~
20 ~~(2006 Replacement Volume and 2011 Supplement)~~

21 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – Courts and Judicial Proceedings
 2 Section 3–8A–19(l)
 3 Annotated Code of Maryland
 4 (2006 Replacement Volume and 2011 Supplement)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 6 MARYLAND, That the Laws of Maryland read as follows:

7 **Article – Courts and Judicial Proceedings**

8 3–8A–19.

9 (d) (1) In making a disposition on a petition under this subtitle, the court
 10 may:

11 (i) Place the child on probation or under supervision in his own
 12 home or in the custody or under the guardianship of a relative or other fit person,
 13 upon terms the court deems appropriate, including community detention;

14 (ii) Subject to the provisions of paragraph (2) of this subsection,
 15 commit the child to the custody or under the guardianship of the Department of
 16 Juvenile Services, the Department of Health and Mental Hygiene, or a public or
 17 licensed private agency on terms that the court considers appropriate to meet the
 18 priorities set forth in § 3–8A–02 of this subtitle~~l~~, including designation of the type of
 19 facility where the child is to be accommodated,~~l~~ until custody or guardianship is
 20 terminated with approval of the court or as required under § 3–8A–24 of this subtitle;

21 ~~(L) (1) IF THE CHILD'S RESIDENTIAL PLACEMENT IS CHANGED AT~~
 22 ~~ANY TIME AFTER THE COMMITMENT OF THE CHILD TO THE DEPARTMENT OF~~
 23 ~~JUVENILE SERVICES UNDER THIS SECTION, THE DEPARTMENT SHALL NOTIFY~~
 24 ~~THE COURT, THE CHILD'S COUNSEL, AND THE CHILD'S PARENT OR GUARDIAN~~
 25 ~~WITHIN 7 DAYS WHEN NECESSARY TO APPROPRIATELY ADMINISTER THE~~
 26 ~~COMMITMENT OF THE CHILD, THE DEPARTMENT OF JUVENILE SERVICES MAY~~
 27 ~~TRANSFER A CHILD COMMITTED FOR RESIDENTIAL PLACEMENT FROM ONE~~
 28 ~~FACILITY OR PROGRAM TO ANOTHER FACILITY OR PROGRAM THAT IS~~
 29 ~~OPERATED, LICENSED, OR CONTRACTED BY THE DEPARTMENT.~~

30 **(2) PRIOR TO TRANSFER, THE DEPARTMENT SHALL NOTIFY:**

31 **(I) THE COURT;**

32 **(II) THE COUNSEL FOR THE CHILD;**

33 **(III) THE STATE'S ATTORNEY; AND**

34 **(IV) THE PARENT OR GUARDIAN OF THE CHILD.**

1 ~~(2)~~ (3) THE COURT MAY CONDUCT A HEARING AT ANY TIME
2 FOR THE PURPOSE OF REVIEWING THE COMMITMENT ORDER AND THE
3 TRANSFER OF A CHILD UNDER THIS SUBSECTION.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2012.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.